

A RESOLUTION

07-R-2293

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF LUVENIA FLUELLEN V. CITY OF ATLANTA, GEORGIA, ET AL. SUPERIOR COURT, FULTON COUNTY, CIVIL ACTION FILE NO. 2007CV134643, IN THE AMOUNT OF \$5,020.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1A01 (GENERAL FUND), ACCOUNT 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER T31001 (NON-DEPARTMENTAL); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS *Luvenia Fluellen v. City Of Atlanta, Georgia, et al.* is a case in which the Plaintiff, Luvenia Fluellen, is suing for damages she allegedly incurred when the City of Atlanta undertook to rehabilitate her home, located at 331 Lincoln Street, Atlanta, Georgia;

WHEREAS, Plaintiff alleges that the City of Atlanta hired a general contractor for the rehabilitation project at 331 Lincoln Street, Atlanta, Georgia;

WHEREAS, Plaintiff alleges that the general contractor was unqualified to perform said work pursuant to the rehabilitation project;

WHEREAS, Plaintiff alleges that the City of Atlanta did not properly supervise and monitor the general contractor;

WHEREAS, Plaintiff alleges that the rehabilitation work was never completed on her home and damage was done to her home;

WHEREAS, Ms. Fluellen is indebted for the full contract amount, to be forgiven over a period of five years as long as Ms. Fluellen continues to maintain her primary residence at 331 Lincoln Street, Atlanta, Georgia;

WHEREAS, after discovery and conferences between Plaintiff and the City of Atlanta and the relevant employees it has been determined that Plaintiff has suffered damages and expenses;

WHEREAS, Plaintiff has agreed to accept \$5,020.00, in full settlement of all claims against the City of Atlanta including interest and attorney's fees; and

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiff's claims is in excess of the settlement amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to pay the amount of \$5,020.00 to settle all claims against the City of Atlanta.

**THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** hereby resolves as follows:

SECTION 1. The City Attorney is hereby authorized to settle and execute all documents in the case of *Luvenia Fluellen v. City of Atlanta, Georgia, et al.* in the amount of Five Thousand and Twenty Dollars and Zero Cents (\$5,020.00).

SECTION 2. Said payment is to be charged to and paid from Fund 1A01 (General Fund), Account 529017 (Property Liquidation) and Center Number T31001 (Non-departmental). Payment shall be in the form of a check in the amount of \$5,020.00, payable to Luvenia Fluellen. Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta, and its current and former officers and employees.